Land Issues Impacting Utilities in Maryland

MD-DC Utilities Association

2013 Environmental Conference

October 2, 2013
Outline

- **Oil Control Program**
  - Significant Changes, Current and Upcoming: Drafting AST Regulations; New Federal UST Regulations
  - Enforcement Activities to be Aware Of
  - Other MDE Issues Impacting Public Utilities

- **Land Restoration Program**
  - CHS Notification Regulations
  - Arsenic bioavailability
  - Brownfield Master Inventory
Draft AST Regulations

- AST regulations related to petroleum storage have been discussed several times in the past
- MDE is currently drafting AST regulations to directly incorporate many industry standards from API, NFPA, and STI
- Draft regulations will be shared with stakeholders through the Maryland Ad Hoc Committee on Oil prior to proposal to the Maryland Register
- Expected date for proposing to the Maryland Register is Spring of 2014
Federal UST Regulations

- EPA proposed revised Federal UST regulations in November 2011 (40 CFR 280 / 281)
- Existing Federal regulations are over 20 years old
- Incorporate Energy Policy Act requirements
- Remove deferrals
- Generally, bring Federal regulations up to current industry practice and standards
What is The Process?

- Comment period closed April 16, 2012
- EPA is reviewing comments and expects to have a final rule Spring 2014
- As proposed, MDE will have 3 years after the final rule to achieve State Program Approval (SPA) (2017)
What is The Process?

- MDE will work with EPA to determine where our regulations are not as stringent as the final Federal regulations
- MDE will internally develop proposed regulations to close the gaps
- MDE will work with stakeholders in MD to discuss and develop the proposed regulations and schedules for implementation
- The proposed regulations will go through the normal State legislative process
- MDE will then work with EPA to achieve SPA for the new regulations
What Happens Now?

- MDE currently has SPA from EPA
- Why does that matter?
  - The regulated community in MD will continue to follow the current **State regulations** after EPA finalizes the Federal regulations
  - Once the new **State regulations** are passed, then the regulated community in MD will follow them
  - Basically, UST Owners/Operators in MD will always follow the **State regulations** regardless of differences with Federal UST regulations
## What is On the Table?

<table>
<thead>
<tr>
<th>Operator Training</th>
<th>Secondary Containment</th>
<th>Walk Through Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>O&amp;M for Release Detection</td>
<td>RD for Emergency Generator Tanks</td>
<td>Airport Hydrant Fuel Distribution</td>
</tr>
<tr>
<td>Field Constructed USTs</td>
<td>Wastewater Treatment Tanks</td>
<td>Overfill Prevention (Vent Restrictors)</td>
</tr>
<tr>
<td>Failing Internally Lined Tanks</td>
<td>Alternative Fuels and Compatibility</td>
<td>Removal of GW and Vapor Monitoring for RD</td>
</tr>
</tbody>
</table>

**Underlined = Partially Implemented**
Wastewater Treatment Tanks

• A lot of discussion on how much of an impact there will be on wastewater treatment tanks (WWTTs)

• EPA position is that majority are already covered by the Clean Water Act (sections 402 & 307(b)) (i.e. NPDES and pretreatment standards)

• Link to EPA guidance document on the effects of the proposed rule:
  – http://www.epa.gov/oust/fedlaws/wwtts_2-29-12_final.pdf
Will My WWTT be Affected?

From EPA WWTT guidance document, February 2012
Potential Regulation Changes

- Walk Through Inspections – Once Every 30 Days
  - Health and safety concerns (inspectors, customers)
  - Frequency?
  - What about systems with complete secondary containment systems?
  - Follow PEI RP 500 and 900

- Overfill Prevention Equipment Tests – Every 3 years
  - Who is allowed to perform the work? Certified UST technicians, certified TPIs, tank testers?

- Secondary Containment Tests – Every 3 years
  - MD is currently every 5 years for UST systems installed after 1/12/09
Potential Regulation Changes

• RD on Previously Deferred Emergency Generator USTs
  – MDE-OCP currently requires RD on emergency generator tanks installed after 3/1/08
  – This would include all emergency generator tanks
  – 629 currently exist \ 600 prior to 3/1/08 \ 300 – 400 will apply

• Removal of Vent Restrictors as Overfill Prevention (Ball Floats)
  – New and replaced UST systems

• Product Compatibility Requirements
  – Greater than 10% Ethanol and 20% Biodiesel
  – MD already requires compatibility, but this would be more specific
Potential Regulation Changes

- Removal of USTs that Fail an Internal Lining Inspection
  - No repair allowed, must close the tank

- Removal of Groundwater and Vapor Monitoring as Form of RD
  - Already do not allow vapor monitoring after 4/1/09
  - If it is detected outside the tank, you have already failed to prevent the release
  - About 20 facilities in MD
Oil Control Program Overview

• **Permits** – ASTs, Terminals, Transportation
• **Remediation** – Cleanup after release
• **Compliance** – Preventative
OCP Updates – Stats

• 8,270 federally regulated USTs at 3,049 facilities, and 3,107 state regulated USTs (11,377 total USTs)

• Continue to average approx. 650 UST removals per year since 2006

• 168 temporarily out of service tanks

• 89 certified Third Party Inspectors and 332 certified UST Removers and Technicians
OCP Updates – Stats (cont.)

• Remediation Division has approx. 750 active cases that are both Federal and State regulated.
  – Approximately 37% of open cases are 10 years old or older.
  – Approximately 20% of open cases are 20 years old or older.

• Continue to get hits of MTBE that require a 0.5 mile notification by MD law.
  – 3 notifications within the last year
Maryland’s Rankings – MY13

- Cleanup Backlog – 2.91%
  - 1st in Region 3 (R3 is 1st in the nation)
  - 2nd in the nation

- Combined SOC Compliance Rate – 70%
  - 4th in Region 3 (R3 is 3rd in the nation)
  - 32nd in the nation (moved up 6 spots since Oct.)
OCP Website Resources

- Fact sheets on compliance topics
- Information relating to remediation cases
- Permit requirements and applications
- Registered UST facility summary searches
Facility Summary

- Available for UST facilities registered with the Department
- Online search tool: http://mes-mde.mde.state.md.us/FacilitySummary/default.aspx
- Ability to view, save, and print summaries of UST facilities
- Provides information such as owner name, facility ID number, location, tank status, install date, piping and tank material of construction, information, release detection method
## Oil Control Program - Underground Storage Tank Facility Summary

Enter your search values in one or more of the text boxes below.

**Please note:** Wild card characters are not supported in your search values but partial values are. (*Excluding Facility ID*)

<table>
<thead>
<tr>
<th>Facility ID</th>
<th>Location Name</th>
<th>Address</th>
<th>City</th>
<th>County</th>
<th>Zip Code</th>
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<td>Deer Park</td>
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</table>
## Facility Summary for Facility ID #2119

**Owner Name and Address:** Raven Power Holdings LLC  
1005 Brandon Shores Rd, Baltimore, MD  21226  
Thomas Weissinger (410) 787-5532  
**Owner Type:** Commercial

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<tr>
<th>Facility ID</th>
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<th>Product</th>
<th>Total Capacity</th>
<th>Tank Material of Construction</th>
<th>Piping Material</th>
<th>Piping Type</th>
<th>Primary - Tank Release Detection</th>
<th>Secondary Option</th>
<th>Primary - Piping Release Detection</th>
<th>Secondary Option</th>
<th>Sec - Interstitial Monitoring Tank/Piping</th>
<th>CP</th>
<th>RD</th>
<th>FR</th>
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</tr>
</tbody>
</table>

### Tank/Piping Release Detection Codes

- A: Manual Tank Gauging
- B: Tank Tightness Testing
- C: Inventory Control
- D: ATG/Auto Line LD
- E: ATG 0.2 GPH Test
- F: Date Suction
- G: Gravity Feed
- H: Elect ALLD Testing 0.2 GPH
- I: Line Tightness Annual
- J: Line Tightness Every 2 Yrs.
- K: Vapor monitoring
- L: Groundwater monitoring
- M: Inventory Shift
- N: Intermittent Dibwall Monitor
- O: Intermittent Sec. Cont. Monitor
- P: Other method
- Q: Deferred
- R: Not listed

### Tank/Piping Codes

- CP: Corrosion Protection Met
- RD: Release Detection Met
- Over: Overfill Protected
- Spill: Spill Protected
- Fr: Financial Responsibility Met
- M: Manifold
- E: Emergency Power Generation
- B/N/O: Bulk Heating Oil

**Report Generation Date:** 9/13/2013  
**Page 1 of 2**
Report All Oil Spills

• Required by Law and Regulation
• Report immediately or within 2 hours of discovery
• 1-866-633-4686
• Exceptions are listed in Oil Operations Permits or other express agreements with the MDE
Land Restoration Program

- Responsible for Assessment & Remediation of Hazardous Substance Sites

- State Assessment & Remediation
  - Voluntary Cleanup Program
  - Controlled Hazardous Substance Program

- Federal Assessment & Remediation
  - NPL / Site Assessment Section
  - Federal Installation Restoration Program
LRP Issues of Interest

• Hazardous Substance Notification Regulations
• Change in Arsenic Bioavailability
• Brownfield Master Inventory
Hazardous Substance Notification Regulations

• Preparing Re-Proposed Regulations for COMAR 26.14.02

• Requires Responsible Persons to Notify MDE of Releases in Excess of Notification Standards

• Stakeholder Session Planned for Late October or Early November
Change in Arsenic Bioavailability

- LRP Adopting USEPA Default Value for Relative Bioavailability of Arsenic in Soil
  - Relative bioavailability (RBA) of arsenic in soils expected to be less than 100 percent;
  - Upper percentile of the data sets of arsenic RBAs in US result in default RBA value of 60 percent; and
  - Default RBA for arsenic in soils should only be used if site-specific assessments for arsenic RBA are not feasible.

- LRP to Apply Bioavailability Factor In Considering Whether Action is Required
Brownfield Master Inventory

- §7-223 of the Environment Article Requires MDE to List Hazardous Waste Sites
- MDE Creating Brownfield Master Inventory (BMI) to Replace State Master List and Non-Master List.
Maryland Department of the Environment

Land Management Administration
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